

## **REMARKS**

### **A. Introduction**

Claims 1-7 and 9-12 were pending and under consideration in the application. Claim 8 was previously cancelled.

In the Office Action mailed May 18, 2010, claims 1-7 and 9-12 were rejected.

With this amendment, claims 1, 2 and 9 are amended.

### **B. Rejections under 35 U.S.C. §103(a)**

Claims 1-2 and 4-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yap et al., U.S. 6,111,506 (hereinafter "*Yap*", in view of Kono et al., U.S. 6,813,010 B2, (hereinafter "*Kono*").

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of Benhammou et al., U.S. 2004/0059925 A1, (hereinafter "*Benhammou*").

Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of Endoh et al., U.S. 2004/0022421 A1, (hereinafter "*Endoh*") and Nick Bromer, U.S. 6,476,715 B1 (hereinafter "*Bromer*").

Claim 9-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over as being unpatentable over *Yap* in view of *Kono*.

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of *Endoh* and Jerome H. Lemelson, U.S. 4,189,712 (hereinafter "*Lemelson*").

Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Yap* in view of *Kono*, and further in view of *Bromer*.

Applicant respectfully traverses all of these rejections.

In relevant part, independent claims 1, 2 and 9 now recite extracting a second biological identification data from biological information detected by a biological sensor while a first communication means transmits a first biological information stored on the first communication means to a second communication means, or communication target, connected to the biological sensor.

This is clearly unlike Yep which fails to disclose or even fairly suggest extracting a second biological identification data from biological information detected by a biological sensor while a first communication means transmits a first biological information stored on the first communication means to a second communication means, or communication target, connected to the biological sensor. Instead, Yep discloses collecting biological data from a biological sensor connected to a computer after data is extracted from a security document. See, U.S. 6,111,506, Col. 15, l. 37-Col. 16, l. 59. This cannot be fairly viewed as disclosing extracting a second biological identification data from biological information detected by a biological sensor while a first communication means transmits a first biological information stored on the first communication means to a second communication means because Yep discloses gathering information from a security document before detecting biological data via a biological sensor.

Kono, Benhammou, Endoh, Bromer and Lemelson fail to correct this deficiency. Kono merely discloses using a light source to capture biometric information which is then compared with biometric information stored in a database. See, U.S. 6,813,010, Col. 5, l. 22-54. Benhammou merely discloses authenticating communications between a smart card and a receiving device without disclosing any type of biometric data. See, U.S. 2004/0059925, Para. [0033]-[0034]. Endoh discloses using a light source to capture biometric information which is then compared with biometric information stored in a database. See, U.S. Pat. Pub. No 2004/0022421, [0156]-[0157]. Bromer merely discloses using infrared flashes from a brake light to identify the VIN number of a car. See, U.S. 6,476,715, Col. 3, l. 1-37. Lemelson discloses using a coded card and a ring to unlock a door. See, U.S. Pat. No. 4, 189,712, Abstract.

As the Applicant's specification discloses, by extracting a second biological identification

data from biological information detected by a biological sensor while a first communication means transmits a first biological information stored on the first communication means to a second communication means, or communication target, connected to the biological sensor, a user's waiting time to become authenticated is reduced. See, U.S. Pat. Pub. No. 2008/0191839, Paras. [0101]-[0107].

Therefore, because Yep, Kono, Benhammou, Endoh, Bromer, Lemelson or any possible combination of them fails to disclose or even fairly suggest every limitation of claims 1, 2 and 9, the rejection of claims 1, 2 and 9 cannot stand. Because claims 3-7 and 10-12 depend, either directly or indirectly, from claims 1, 2 and 9, they are allowable for at least the same reasons.

**C. Conclusion**

In view of the foregoing, it is submitted that claims 1-7 and 9-12 are allowable and early notice to that effect is respectfully requested.

If the Examiner believes that, for any reason, direct contact with Applicants' attorney would help advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below, for purposes of arranging for a telephonic interview. Any communication initiated by this paragraph should be deemed an Applicant-Initiated Interview.

If any further fees are required in connection with the filing of this amendment, please charge the same to out Deposit Account No. 19-3140.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

By: /David R. Metzger/

David R Metzger, Reg. No. 32,919  
P.O. Box 061080  
Wacker Drive Station, Willis Tower  
Chicago, IL 60606-1080  
312-876-8000 (telephone)  
312-876-7934 (fax)  
ATTORNEYS FOR APPLICANT